

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Crl.Rev.Pet.No. 106 of 2000()

**CRA.41/1999 of IIIRD ADDL. SESSIONS COURT, ERNAKULAM.
C.C. 541/1998 OF JUDICIAL IST CLASS MAGISTRATE II,
MUVATTUPUZHA.**

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REVN. PETITIONER: APPELLANT/ ACCUSED

**V.K.RAMAKRISHNAN,
VARUKALAYIL VEEDU,
MUVATTUPUZHA P.O.**

**BY ADV. SRI.P.M.KUNJIMOIDEENKUTTY
SRI.LAL K.JOSEPH
SRI.SANJAI PADIYATH**

RESPONDENTS: COMPLAINANTS

- 1. KRISHNAMANIYAN, OZHAKKATTU VEEDU,
MUVATTUPUZHA.**
- 2. STATE OF KERALA,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

**BY ADV. SRI.VAKKOM N.VIJAYAN
SMT.V.RENJU
PUBLIC PROSECUTOR SRI.C.K.SURESH**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K.R.UDAYABHANU, J

Crl.R.P.No.106 of 2000

Dated this the 22nd day of August, 2007

O R D E R

The revision petitioner is the accused who stands convicted for the offence under Section 500 IPC and sentenced to pay a fine of Rs.3,000/- and in default, to undergo simple imprisonment for three months.

2. The prosecution case is that the revision petitioner being the Secretary of the SNDP union, Muvattupuzha at the time had published annual report dated 10.10.1993 in its 51-52nd annual general body meeting and that in the report at page 32 contained a defamatory statement against the complainant that he has influenced the council members to transfer the property of the SNDP union to the uncle of his wife at a price of Rs.300/- per cent and that the above amount itself was paid in instalments of Rs.100/- etc.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 3 and Exts. P1 to P2. The defence got

examined DWs' 1 to 3 and marked Exts. D1 to D3(a).

4. Evidently, the allegations in Ext. P1 report which was read in the annual general body meeting is per se defamatory. The revision petitioner has not entered any evidence to establish the truth of the imputations. The evidence of PW1, the complainant, and of PWs'2 and 3 with respect to the falsity of the allegations made in Ext. P1 and as to the fact that the same has resulted in defaming the reputation of the complainant. It can be seen from the evidence of DWs' 1 to 3 that no attempt has been made to establish the truth of the allegations contained in Ext. P1. The accused being the then secretary has to be treated as person in charge and responsible of the publication of Ext. P1. In the circumstances, I find that the concurrent findings of the courts below is not to be interfered with. The conviction and sentence is confirmed.

The revision petition is dismissed.

**K.R.UDAYABHANU,
JUDGE**

CRL.R.P.106/2000

Page numbers

csi

K.R.UDAYABHANU, J

Crl.R.P.No.42/2000

ORDER

22nd August 2007

CRL.R.P.106/2000

Page numbers